

SCOTTSDALE

CITY COUNCIL MEETING

AGENDA



COUNCIL

Mary Manross, Mayor

Wayne Ecton

Robert W. Littlefield

Cynthia Lukas

Ned O'Hearn

David Ortega

Tom Silverman

Tuesday, June 17, 2003

5:00 P.M.

CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Roll Call

Presentations/Information Updates

Public Comment

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "public comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

Minutes

SPECIAL MEETINGS

May 19, 2003

June 2, 2003

June 3, 2003

REGULAR MEETINGS

May 19, 2003

June 2, 2003

June 3, 2003

EXECUTIVE SESSIONS

May 19, 2003

1. Peter Piper Pizza Liquor License Extension of Premises

Request: To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises that will add a patio to an existing establishment operating with a series 07 (beer/wine bar) liquor license.

Location: 7607 E. McDowell Rd.

Reference: 16-EX-2003

Staff Contact(s): Jeff Fisher, Plan Review and Permit Services Director, 480-312-7619, jefisher@ScottsdaleAz.gov

2. Sunflower Market Liquor License

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a new series 10 (beer/wine store) State liquor license for the former ABCO, which previously operated with a series 10 (beer/wine store) liquor license.

Location: 4402 N Miller Rd

Reference: 31-LL-2003

Staff Contact(s): Jeff Fisher, Plan and Permit Services Director, 480-312-7619, jefisher@ScottsdaleAZ.gov

3. James - Hotel Scottsdale Liquor License

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 11 (hotel-motel) State liquor license for the former Old Town Hotel, which also operated with a series 11 (hotel/motel) liquor license.

Location: 7353 E Indian School Rd

Reference: 32-LL-2003

Staff Contact(s): Jeff Fisher, Plan and Permit Services Director, 480-312-7619, jefisher@ScottsdaleAZ.gov

4. Parcel W @ Troon North Liquor License

Request: Approve 16 residential lots on an 18-acre parcel.

Location: Troon North, 108th Place, west of Alma School Road

Reference: 22-PP-2002

Staff Contact(s): Keith Niederer Associate Planner 480-312-4211, kniederer@ScottsdaleAZ.gov

5. Estancia Parcel G

Request: Approve 3 residential lots on a 9.83-acre parcel.

Location: 9801 E Dynamite Blvd

Reference: 29-PP-1999

Staff Contact(s): Al Ward, Senior Planner, 480-312-7067, award@ScottsdaleAZ.gov

6. Park Site at DC Ranch Planning Unit 1

Request: Master Site Plan approval for a future public park at DC Ranch on a 12.8 +/- acre parcel located near the southeast corner of Pima Road and Union Hills Road with Open Space and Planned Community District (OS/PCD) zoning.

Location: Parcel 1.4 - Southeast of the intersection of Pima Rd & Union Hills Dr

Reference: 1-MP-2003

Staff Contact(s): Tim Curtis, Project Coordination Manager, 480-312-4210, tcurtis@ScottsdaleAZ.gov

7. Celebration Of Fine Art Conditional Use Permit

Request: Approve a conditional use permit extension for a Seasonal Arts Festival with stipulation modifications on a 7.47 +/- acre parcel located at the southeast corner of Scottsdale Road and Union Hills Drive with Planned Regional Center, Planned Community District (PRC-PCD) zoning.

Location: E Union Hills Dr/N Scottsdale Rd (Southeast Corner)

Reference: 32-UP-2000#2

Staff Contact(s): Al Ward, Senior Planner, 480-312-7067, award@ScottsdaleAZ.gov

8. LA Fitness Conditional Use Permit

Request: Approve a conditional use permit for a health studio on a 5.5 +/- acre parcel located at 1900 N Scottsdale Road with Highway Commercial (C-3) zoning.

Location: 1900 N Scottsdale Rd

Reference: 5-UP-2003

Staff Contact(s): Tim Curtis, Project Coordination Manager, 480-312-4210, tcurtis@ScottsdaleAZ.gov

9. Code Adoptions/Updates

Request: Adopt Ordinance 3505, adopting the 2003 International Building Code and International Residential Code; Ordinance 3506, adopting the 2003 International Mechanical Code; Ordinance 3507, adopting the 2003 International Fire Code and Resolution 6310, 6311, 6312, 6313, 6309 and 6325, declaring the above Ordinances as a public record.

Location: City-wide

Staff Contact(s): David Potter, Building Official, 480-312-2532, dpotter@scottsdaleaz.gov

10. Scottsdale Road - Bell to Deer Valley Annexation

Request: Adopt Ordinance No. 3511 for Annexation of a County Right-of-Way.

Location: Scottsdale Road - Bell to Deer Valley

Reference: 1-AN-2003

Staff Contact(s): Don Hadder, Principal Planner, 480-312-2352, dhadder@ScottsdaleAZ.gov

11. Authorize IGA

Request: Consider approval of Intergovernmental Agreement #2003-112-COS, between the City of Scottsdale and other legal entities that invested monies in NCFE through the LGIP for a joint legal action, including the retention and direction of outside counsel, arising out of the NCFE bankruptcy.

Related Policies, References: Resolution No. 6308

Staff Contact(s): Sherry R. Scott, Assistant City Attorney, 480-312-2405, sscott@ScottsdaleAZ.gov

12. Contract for Legal Services in connection with City of Scottsdale v. condemnation of land at 104 Street and Bell (owned by Toll Brothers Homes).

Request: Adopt Resolution No. 6235 authorizing the Mayor to execute Contract No. 2003-010-COS, an outside counsel contract in a maximum amount of Fifty Thousand Dollars (\$50,000.00) with the law firm of GRAHAM & ASSOCIATES, LTD. for legal services regarding representation of the City of Scottsdale in the condemnation and litigation of an eminent domain action brought to acquire real property for McDowell Sonoran Preserve gateway.

Related Policies, References: Resolution No. 6235

Staff Contact(s): Janis Villalpando, Assistant City Attorney, jvillalpando@ci.scottsdale.az.us, (480) 312-2405

13. Revocable License Agreement with the Scottsdale Rose Society, Inc.

Request: Adopt Resolution No. 6299 authorizing City Council to approve Revocable License Agreement No. 2003-046-COS with the Scottsdale Rose Society, Inc., to install, maintain and repair the Rose Garden in Downtown Scottsdale.

Related Policies, References: On December 14, 1992, the Mayor and City Council adopted Resolution No. 3712 authorizing the execution of Easement Agreement No. 920139 with the Scottsdale Rose Society for the creation and maintenance of a rose garden in Scottsdale downtown. The easement agreement expired December 31, 2002. On January 10, 2003, the City of Scottsdale and Scottsdale Rose Society entered into a short-term (180 days) revocable license agreement to continue existing arrangements for the Rose Garden until July 9, 2003, in accordance with Section 2-221(c) of the Scottsdale Revised Code.

Staff Contact(s): Robin Rodgers, Asset Management Specialist, 480-312-2522, rrogers@ScottsdaleAZ.gov; Sahler Hornbeck, Downtown Liaison, 480-312-2394, shornbeck@ScottsdaleAZ.gov

Regular Agenda begins on the following page

14. Sign Ordinance Text Amendment**Request:**

1. Adopt Ordinance No. 3515, approving an update to Ordinance No. 455 (Zoning Ordinance) amending Article VIII, Sign Requirements.
2. Adopt Resolution No. 6319 declaring the above text amendment a public record.

Location: City-wide**Reference:** 7-TA-2002**Staff Contact(s):** Jeff Fisher, Plan and Permit Services Director, 480-312-7619,
jefisher@ScottsdaleAZ.gov**Public Comment**

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City Manager's Report**Mayor and Council Items****Adjournment**

Section 2.17 of the Scottsdale City Code states, "Regular Meetings that are scheduled to be conducted on consecutive days may be combined and held on either of the two (2) days, at the election of the council, and shall be considered a single meeting." The Council may hold over any items noticed on the Monday agenda to the agenda for the Tuesday meeting.

CITY COUNCIL REPORT



MEETING DATE: June 17, 2003

ITEM NO. _____

GOAL: Preserve Character and Environment

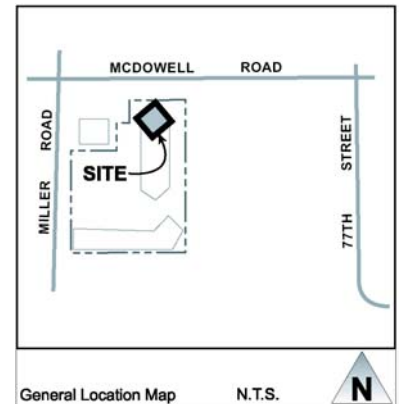
SUBJECT Permanent extension of premises for Peter Piper Pizza
16-EX-2003

REQUEST To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises that will add a patio to an existing establishment operating with a series 07 (beer/wine bar) liquor license.

OWNER Marita, Inc. DBA Peter Piper Pizza

APPLICANT CONTACT Mario Cavolo
480-947-9901

LOCATION 7607 E. McDowell Rd.



BACKGROUND This site is zoned C-3 (Highway Commercial District).
This request is for approval to serve alcohol on a proposed 300 sq. ft. outdoor patio.

APPLICANT'S PROPOSAL **Goal/Purpose of Request.** This establishment is currently operating with a series 07 (beer/wine bar) liquor license and is requesting approval to add a 300 sq. ft. outdoor patio.

IMPACT ANALYSIS **Police/Fire.** The Police Department has conducted a review and recommends approval of this case. Rural Metro has reviewed this application and reported no opposition to this case.

Parking. Planning and Development Services has conducted a review of the parking requirements. Parking is in compliance with the zoning ordinance.

Recommended Approach: The review of this application has shown that it meets zoning, parking, and public safety requirements. Staff recommends approval.

STAFF CONTACT(S)

Jeff Fisher
 Plan Review and Permit Services Director
 312-7619
 E-mail: jfisher@ci.scottsdale.az.us

APPROVED BY

Kroy Ekblaw	Date
Planning and Development Services General Manager	

Ed Gawf	Date
Deputy City Manager	

Attachments:

- #1 Aerial Map
- #2 Vicinity Map
- #3 Graphic – Liquor License locations within ½ mile
- #4 Application

CITY COUNCIL REPORT



MEETING DATE: June 17, 2003

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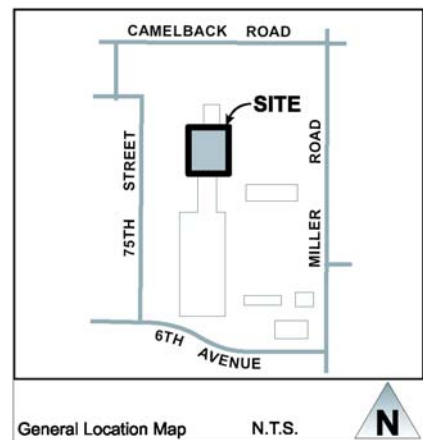
SUBJECT Beer/Wine Store Liquor License Request for Sunflower Market
31-LL-2003

REQUEST To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a new series 10 (beer/wine store) State liquor license for the former ABCO, which previously operated with a series 10 (beer/wine store) liquor license.

OWNER Newflower Market, Inc.

APPLICANT CONTACT Robert Milsap
480-941-6001

LOCATION 4402 North Miller Road



BACKGROUND

This site is zoned C-3 (Highway Commercial District).

This request is for a new series 10 (beer/wine store) liquor license for a vacant retail grocery store location. This location does not currently have a liquor license but operated previously with a series 10 (beer/wine store) license under the business name ABCO.

The distance to the nearest school, Our Lady of Perpetual Help, 2200 ft.

The distance to the nearest church, Scottsdale United Methodist, is 875 ft.

There are 69 liquor licenses within a one half mile radius of this location.

APPLICANT'S PROPOSAL

Goal/Purpose of Request.

The applicant is seeking a favorable recommendation on a series 10 liquor license. The applicant has maintained the required posting notice for the State mandated 20-day period.

IMPACT ANALYSIS

Police/Fire. The Police Department has conducted a review and recommends approval of this case.

Financial Services. Revenue Collection has reported that the applicant has met City licensing requirements and all fees have been paid.

(Continued)

Parking. Planning and Development Services has conducted a review of the parking requirements. Parking is in compliance with the zoning ordinance.

Development Information. This establishment is 28,500 sq. ft.

Maricopa County. Maricopa County Environmental Health has reviewed this application and reported no opposition to this case.

Community involvement. No petitions or protests have been filed with the City Clerk during the 20 (twenty) day posting period.

**STATE GUIDELINES
FOR CONSIDERING AN
APPLICATION**

R19-1-102. Granting a License for a Certain Location

Local governing authorities and the Department may consider the following criteria in determining whether public convenience requires and that the best interest of the community will be substantially served by the issuance or transfer of a liquor license at a particular unlicensed location:

1. Petitions and testimony from persons in favor of or opposed to the issuance of a license who reside in, own or lease property in close proximity.
2. The number and series of licenses in close proximity.
3. Evidence that all necessary licenses and permits have been obtained from the state and all other governing bodies.
4. The residential and commercial population of the community and its likelihood of increasing, decreasing or remaining static.
5. Residential and commercial population density in close proximity.
6. Evidence concerning the nature of the proposed business, its potential market, and its likely customers.
7. Effect on vehicular traffic in close proximity.
8. The compatibility of the proposed business with other activity in close proximity.
9. The effect or impact of the proposed premises on businesses or the residential neighborhood whose activities might be affected by granting the license.
10. The history for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report(s) of such activity at least 20 days before the hearing by the Board.
11. Comparison of the hours of operation of the proposed premises to the existing businesses in close proximity.

**OPTIONS AND STAFF
RECOMMENDATION**

City Council has the option of recommending approval or denial to the Arizona Department of Liquor Licenses and Control.

Recommended Approach: The review of this application has shown that it meets zoning, parking, and public safety requirements.
Staff recommends approval.

Proposed Next Steps: The City Council's recommendation of approval or denial will be forwarded to the Department of Liquor Licenses and Control for their consideration. If the application is approved by the Department of Liquor Licenses and Control, the applicant should receive their license from the State within 15 days.

**RESPONSIBLE
DEPT(S)
STAFF CONTACT(S)**

Planning and Development Services Department

Jeff Fisher
Plan Review and Permit Services Director
480-312-7619
E-mail: Jfisher@ScottsdaleAZ.Gov

APPROVED BY

Kroy Ekblaw	Date
Planning and Development Services General Manager	

Ed Gawf	Date
Deputy City Manager	

ATTACHMENTS

- #1: Aerial Map
- #2: Vicinity Map
- #3: Graphic – Liquor license locations within ½ mile
- #4: Application

CITY COUNCIL REPORT



MEETING DATE: June 17,2003

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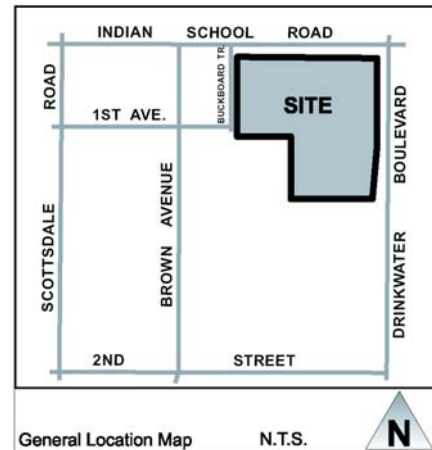
SUBJECT Hotel Liquor License Request for James Hotel Scottsdale
32-LL-2003

REQUEST To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 11 (hotel-motel) State liquor license for the former Old Town Hotel, which also operated with a series 11 (hotel/motel) liquor license.

OWNER James Hotel Scottsdale, L.L.C.

APPLICANT CONTACT H. J. Lewkowitz
602-280-1000

LOCATION 7353 E. Indian School Rd.



BACKGROUND This site is zoned C-2 (Central Business District). This request is for a new series 11 (hotel/motel) liquor license for an existing hotel. This location previously operated with a series 11 liquor license under the business name Old Town Hotel. This request is due to a change of ownership. The distance to the nearest school, Our Lady of Perpetual Help, is 1525 feet. The distance to the nearest church, Scottsdale Methodist Church, is 775 feet. There are 107 liquor licenses within a one half mile radius of this location.

APPLICANT'S PROPOSAL **Goal/Purpose of Request.** The applicant is seeking a favorable recommendation on a series 11 (hotel/motel) liquor license. The applicant has maintained the required posting notice for the State mandated 20-day period.

IMPACT ANALYSIS **Police/Fire.** The Police Department has conducted a review and recommends approval of this case.

(Continued)

Financial Services. Revenue Collection has reported that the applicant has met City licensing requirements and all fees have been paid.

Parking. Planning and Development Services has conducted a review of the parking requirements. There are no interior modifications or changes intended for this establishment. Parking is in compliance with the zoning ordinance.

Development Information. This establishment is approximately 38,000 sq. ft.

Maricopa County. Maricopa County Environmental Health has reviewed this application and reported no opposition to this case.

Community involvement. No petitions or protests have been filed with the City Clerk during the 20 (twenty) day posting period.

**STATE GUIDELINES
FOR CONSIDERING AN
APPLICATION**

R19-1-102. Granting a License for a Certain Location

Local governing authorities and the Department may consider the following criteria in determining whether public convenience requires and that the best interest of the community will be substantially served by the issuance or transfer of a liquor license at a particular unlicensed location:

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2. The number and series of licenses in close proximity.
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10. The history for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report(s) of such activity at least 20 days before the hearing by the Board.
11. Comparison of the hours of operation of the proposed premises to the existing businesses in close proximity.

**OPTIONS AND STAFF
RECOMMENDATION**

City Council has the option of recommending approval or denial to the Arizona Department of Liquor Licenses and Control.

Recommended Approach: The review of this application has shown that it meets zoning, parking, and public safety requirements. Staff recommends approval.

Proposed Next Steps: The City Council's recommendation of approval or denial will be forwarded to the Department of Liquor Licenses and Control for their consideration. If the application is approved by the Department of Liquor Licenses and Control, the applicant should receive their license from the State within 15 days.

**RESPONSIBLE
DEPT(S)
STAFF CONTACT(S)**

Planning and Development Services Department

Jeff Fisher
Plan Review and Permit Services Director
480-312-7619
E-mail: Jfisher@ScottsdaleAZ.Gov

APPROVED BY

Kroy Ekblaw	Date
Planning and Development Services General Manager	

Ed Gawf	Date
Deputy City Manager	

ATTACHMENTS

- #1: Aerial Map
- #2: Vicinity Map
- #3: Graphic – Liquor license locations within ½ mile
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CITY COUNCIL REPORT



MEETING DATE: June 17, 2003

ITEM NO. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT Parcel W at Troon North Final Plat

REQUEST Request to approve 16 residential lots on an 18-acre parcel.
22-PP-2002

Key Items for Consideration:

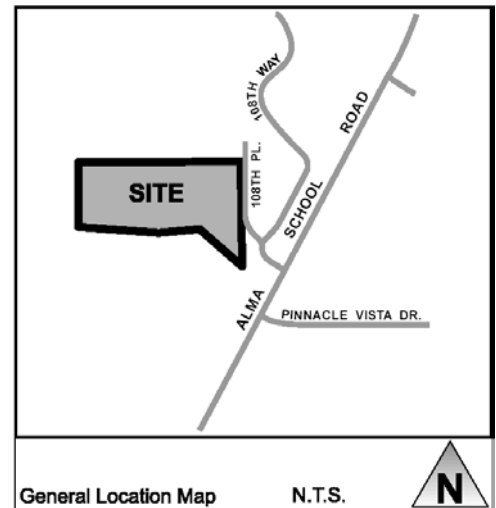
- Applicant is nearing approval on final construction documents
- No changes to lot design made since preliminary plat was approved
- Over 8 acres of natural area to be retained on-site through NAOS and Hillside Conservation Easements.

OWNER Pw Investments LLC
480-947-4154

APPLICANT CONTACT Dave Gilbertson
Gilbertson Associates Inc
480-607-2244

LOCATION Troon North, 108th Place, west of Alma School Road

BACKGROUND **Zoning.**
The site is zoned R1-18 ESL (HD/HC) which allows for single family dwellings.



Context.

This subdivision is located on the west side of 108th Place directly north of the Rocks at Reata Pass project and west of Alma School Parkway. The surrounding property to the north and west is also zoned R1-18 ESL HD. The property to the south is zoned C-2 ESL (HD). The property to the east is zoned R-4 ESL HD/HC.

APPLICANT'S PROPOSAL

Goal/Purpose of Request.

The purpose of the City Council final plat approval is to authorize the recordation of the final plat with the Maricopa County Recorders Office. The City Council approval process is the last step to confirm the plat's consistency with the preliminary plat approval prior to recordation with the county.

IMPACT ANALYSIS

Traffic.

This subdivision will be accessed off 108th Place, a private existing residential street. No additional right-of-way improvements are required to serve this

development.

Water/Sewer.

Water and sewer lines will be constructed by the developer and dedicated to the city for maintenance.

Police/Fire.

The Rural/Metro fire department has review and approved this plan as it conforms to the requirements for fire equipment access.

Schools.

Cave Creek Unified School District has been notified of this application. The school's superintendent says the proposed 16 single-family residential units will not generate a great number of students. The projection is .32 public school children per residence and it should not affect school capacity.

Open space/Scenic Corridors.

Of this 18 acre parcel of land, 4.07 acres of natural area has been preserved in a hillside conservation easement along the southern portion of the property, and 4.30 acres of Natural Area Open Space is to be dedicated with the final plat distributed throughout the subdivision.

Community Involvement.

The applicant has addressed issues raised by the residents of Troon Parcel J subdivision (located west side of 108th Place) The majority of these concerns were in regards to building placement, building heights, setbacks from the hillside no-development line and landscaping. Although these concerns/requests could not be enforced by the zoning ordinance, the applicant has entered into a private agreement with the residents addressing their concerns/requests.

Other Boards and Commissions.

The Development Review Board approved the preliminary plat on October 10, 2002.

**STAFF
RECOMMENDATION**

Recommended Approach:

Staff recommends that the final plat be approved as presented.

Approval of this plat will result in:

- Construction of 16 custom single family dwellings
- Private roadway improvements
- Over 8 of the 18 acres within Parcel W will be preserved through hillside conservation and NAOS easements

**RESPONSIBLE
DEPT(S)**

Planning and Development Services Department
Current Planning Services

STAFF CONTACT(S)

Keith Niederer
Associate Planner
480-312-4211

E-mail: kniederer@ScottsdaleAZ.gov

Joe Morris

Development Engineering Manager
480-312-5757

E-mail: jdmorris@ScottsdaleAz.gov

APPROVED BY

Kroy Ekblaw	Date
Planning and Development Services General Manager	

Ed Gawf	Date
Deputy City Manager	

ATTACHMENTS

1. Aerial Map
2. Final Plat
3. Preliminary Plat
4. Development Review Board Staff Report
5. Development Review Board Minutes

CITY COUNCIL REPORT



MEETING DATE: June 17, 2003

ITEM NO. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

Estancia Parcel G Replat

REQUEST

Request to approve 3 residential lots on a 9.83-acre parcel.
29-PP-1999

Key Items for Consideration:

- Conformance to approved zoning
- Previously recorded as 5 lots plus golf course maintenance, being replatted as 3 lots plus golf course maintenance
- Conformance to approved preliminary plat as modified
- Infrastructure improvements by developer
- No public comment has been received on this case

OWNER

Estancia Development Associates, LLC
(480) 905-0770

APPLICANT CONTACT

Steven Voss
L V A Urban Design Studio
480-994-0994

LOCATION

9801 E Dynamite Bl

BACKGROUND

Zoning.

The site is zoned Residential District (R1-35 ESL). This zoning district allows for single family-residential on lots of 35,000 square feet or more.

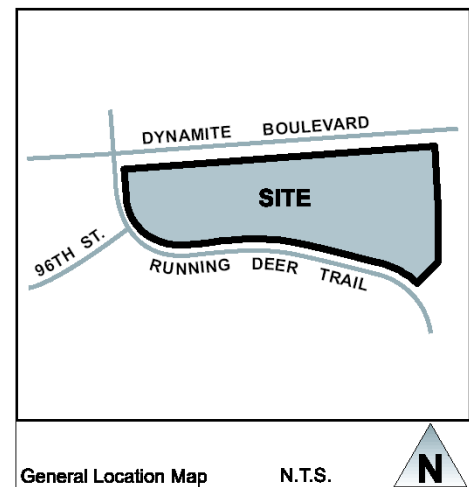
Context.

This subdivision is located in the Estancia subdivision, east of 97th Place, south of Dynamite Blvd. The surrounding property is zoned Residential District (R1-18 ESL) toward the north, south and west. Property to the east of the site is zoned Central Business General District (C-2 ESL).

APPLICANT'S PROPOSAL

Goal/Purpose of Request.

The proposal is for replat approval for 3 custom home lots and a golf maintenance center situated east of the 97th Place in Estancia. The preliminary plat originally contained a total of 5 lots, but with the replat is being reduced to 3 lots at the request of the property owner. Two of the prior residential lots located at the visitor's center are now being combined into one lot. The site is located to the east of the Estancia main entry gate along the south side of



Dynamite Blvd. and north of Running Deer Trail.

The property contains the existing Estancia visitor/sales center on proposed Lot 3. The golf course maintenance facility and area drainage basin are located on Tracts C and E respectively, near the eastern side of the site and are intended to remain. The visitor/sales center will be converted to a residence. The site is zoned R1-35 ESL (Residential) district with proposed lot sizes that range from 1.06 to 2.09 acres. The lots have legal access to Running Deer Trail. The 2.94-acre golf course maintenance facility has access from Dynamite Blvd. Each of the proposed custom homes will maintain minimum building setbacks of about 80 feet from Dynamite Blvd.

Key Issues.

- Construction of 2 new single-family homes, conversion of the visitor/sales center to a residence and continued provision of the maintenance facility
- Construction of a right turn deceleration lane on Dynamite Blvd. to serve the existing golf course maintenance building
- Construction of waterlines and sewer lines connections.
- Provision of approximately 4.75 acres of N.A.O.S. including 50-foot wide scenic corridor and trail easement adjacent to Dynamite Blvd.
- The replat reduced the original number of lots created from 5 to 3 plus tracts

Community Impact.

The application will provide three single-family residences and provide for the continued use of the existing golf maintenance facility on the site. This plat is surrounded by similar types of residential use and will utilize the existing street system. Traffic generation from this plat is not significant and will be accommodated by the existing street system.

IMPACT ANALYSIS**Traffic.**

The three single-family residences will generate about 29 vehicles per day while the existing golf course maintenance facility generates about 30 vehicles per day. Residential traffic will enter and exist the site from Running Deer Trail and 97th Place. Access to Dynamite Blvd. is from the existing Estancia access at 97th Place, which contains a full median break. The maintenance facility will utilize the existing access from Dynamite Blvd., situated about 800 feet east of 97th Place. A right turn deceleration lane will be constructed on Dynamite Blvd. to serve the golf maintenance facility. No adverse traffic implications are anticipated.

Water/Sewer.

Construction of water and residential water and sewer service connections are provided with this request.

Police/Fire.

The proposal has been reviewed by Rural Metro and meets the specifications and requirements.

Schools.

Cave Creek Unified School District has been notified of this application and has indicated the District has no objection to this proposal.

Open space/Scenic Corridors.

A total of 4.75 acres or 48% of the site is provided as NAOS while 2.16 acres or 22% of the site is required. NAOS will be provided as both on lot easements and Tracts. A 50 foot wide scenic corridor and public trail easement is provided across the site's Dynamite Blvd. frontage.

Community Involvement.

- The DRB approved the preliminary plat on January 20, 2000, there were no public comments at the hearing.
- No comment has been received subsequent to the DRB meeting
- Application was submitted on behalf of the Estancia Development Association

**STAFF
RECOMMENDATION**

Recommended Approach:

Staff recommends that the final replat be approved.

Proposed next steps:

Approval will enable the replat to be recorded and establishment of the new lots.

**RESPONSIBLE
DEPT(S)**

Planning and Development Services Department
Current Planning Services

STAFF CONTACT(S)

Al Ward
Senior Planner
480-312-7067
E-mail: award@ScottsdaleAZ.gov

Joe Morris
Development Engineering Manager
480-312-5757
E-mail: jdmorris@ScottsdaleAz.gov

APPROVED BY

Kroy Ekblaw	Date
Planning and Development Services General Manager	

Ed Gawf	Date
Deputy City Manager	

ATTACHMENTS

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CITY COUNCIL REPORT



MEETING DATE: June 17, 2003

ITEM NO. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

Park Site at DC Ranch Planning Unit 1

REQUEST

Master Site Plan approval for a future public park at DC Ranch on a 12.8 +/- acre parcel located near the southeast corner of Pima Road and Union Hills Road with Open Space and Planned Community District (OS/PCD) zoning.

1-MP-2003

Key Items for Consideration:

- Master Site Plan approval of neighborhood park site is required for dedication to the City of Scottsdale.
- The proposed master site plan is the first step in laying the foundation for park planning for this site. A Municipal Use Master Site Plan and Development Review Board hearings are the next steps.
- The Master Site Plan depicts potential uses within the park that are consistent with DC Ranch and the Vision 2010 Parks Master Plans.
- The Master Site Plan shows proposed street, trail, and path connections, general activity areas, and proximity to neighborhoods.
- The Planning Commission recommended approval, 7-0.
- Parks and Recreation Commission recommended approval, 7-0.

Related Policies, References:

54-ZN-1989#1 thru 6, 5-MP-2002,
Development Agreement #890074A,
Community Facilities District

OWNER

DC Ranch LLC
480-367-7000

APPLICANT CONTACT

Shelly McTee, 602-955-3452
Biskind Hunt & Taylor, P.L.C.

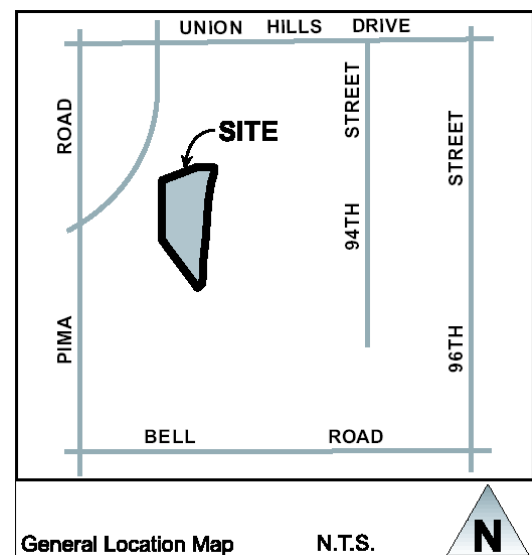
LOCATION

Parcel 1.4 - Southeast of the
intersection of Pima Rd & Union
Hills Dr.
(Planning Unit I in DC Ranch)

BACKGROUND

Zoning.

DC Ranch is a master planned community. The site is zoned Open Space/Planned Community District (OS/PCD), which allows municipal uses, parks, golf courses, and other open space recreational uses.



General Plan.

The General Plan Land Use Element designates the property as Developed Open Space. This category includes parks and other recreation areas.

Context.

The site is located in Planning Unit I of DC Ranch, which is generally located between Pima Road to the west and 94th Street to the east, and between Union Hills Road to the north and Bell Road to the south. Planning Unit I is zoned for residential, commercial, and industrial land uses, and has land allocated for a public park.

This park parcel consists of 12.8 acres and is located near the southeast corner of the Pima Road and Union Hills Drive intersection. The park will have access from the future 91st Street to the east connecting Union Hills Drive to Bell Road, and a new street to the north connecting Pima Road to 91st Street.

The property is surrounded by Single Family Residential District (R1-7/PCD) to the east, Commercial Office District (C-O/PCD) to the north, and Industrial Park District (I-1/PCD) to the south and west. A power line corridor abuts the south side of the property, which will be used as part of a citywide path and trail system that will connect to the park.

**APPLICANT'S
PROPOSAL****Goal/Purpose of Request.**

DC Ranch was approved with a development agreement consisting of stipulations and a set of procedures for developing the master planned community. Section 3.11 (Park Site Dedication/Improvements) of this development agreement states the process for dedication of park sites to the City (Attachment #9).

The applicant proposes to dedicate the 12.8-acre subject parcel for a future city neighborhood park site. As part of this dedication process, a master site plan must be approved by the City Council. Without the dedication, the applicant cannot proceed with the final plat processes for parcels within Planning Unit I.

The future neighborhood park will likely include lighted sport courts, playground equipment, turf and desert open spaces, restroom facilities, and parking. The park site will also have a trailhead and connect with the planned trail along the power line corridor to the south of the property. This park will not have sports field lighting.

The master site plan process is similar to the City's Municipal Use Master Site Plan process, which receives Planning Commission recommendation and City Council approval. However, the two processes are separated out per the detailed requirements outlined in the development agreement. Once dedicated, the City's Community Services Department can file a Municipal Use Master Site Plan and proceed to the Parks and Recreation Commission, the Planning Commission, and the City Council. The Community Services Department has indicated that they expect to file the Municipal Use Master Site Plan design within the next 5 years.

IMPACT ANALYSIS**Traffic.**

Roads identified in the approved Master Circulation Plan will be constructed as part of a joint effort between the developer and an approved Community Facilities District. The Communities Facilities District will construct Union Hills Drive, 94th Street, and the Loop Road (91st Street) by the summer of 2004.

Development of a neighborhood park would result in an estimated 316 daily trips. There would be an estimated 13 trips during the a.m. peak hour, and 25 trips during the p.m. peak hour. Site generated traffic will primarily utilize 91st Street, a minor collector roadway, to access the site. A street connection from Pima Road is also planned to provide site access although the access will be restricted at the Pima Road intersection.

Airport Vicinity.

According to the City's adopted Noise Compatibility Plan (NCP), parks are an acceptable land use in this location (see attachment #8 for airport correspondence).

Water/Sewer.

The developer will install new water and sewer infrastructure, which will be available to serve this site.

Police/Fire.

Police and fire facilities exist in the DC Ranch Master Planned Community, and no service impacts are anticipated.

Community involvement.

DC Ranch has posted this development on its intranet website, has posted notice of the hearing on site, and has met with the Ironwood Village neighborhood to the north. There have been no comments regarding this case.

Community Impact.

DC Ranch has prepared Master Development Plans to address water, wastewater, drainage, and circulation issues, as well as a master environmental design plan. This neighborhood park will serve the future DC Ranch neighborhood directly to the east. In addition to the land dedication, the development agreement requires the developer to contribute \$175,000, or other on-site improvements, for the park (contribution has previously been made).

RECOMMENDATION**Parks and Recreation Commission:**

The Parks and Recreation Commission recommended approval of the master site plan at its April 2, 2003, meeting (7-0, see Attachment #10 for meeting minutes).

Planning Commission:

The Planning Commission recommended approval of the master site plan at its April 22, 2003, meeting (7-0, see Attachment #11 for meeting minutes).

**RESPONSIBLE
DEPT(S)**

Planning and Development Services Department
Current Planning Services

Community Services Department
Parks Recreation and Facilities

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APPROVED BY

Kroy Ekblaw	Date
General Manager, Planning & Development Services Department	

Ed Gawf	Date
Deputy City Manager	

ATTACHMENTS

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Land Use Map
4. Zoning Map
5. Stipulations
6. Traffic Impact Summary
7. Citizen Involvement
8. Airport Correspondence
9. Park Site Dedication, Improvements
(From Development Agreement #890074A)
10. 4/2/03 Parks & Recreation Commission Minutes
11. April 22, 2003 Planning Commission Minutes
12. Site Plan

CITY COUNCIL REPORT



MEETING DATE: June 17, 2003

ITEM NO. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

Celebration Of Fine Art

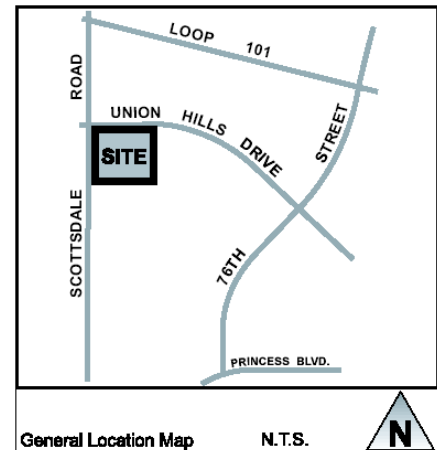
REQUEST

Request to approve a conditional use permit extension for a Seasonal Arts Festival with stipulation modifications on a 7.47 +/- acre parcel located at the southeast corner of Scottsdale Road and Union Hills Drive with Planned Regional Center, Planned Community District (PRC-PCD) zoning.

32-UP-2000#2

Key Items for Consideration:

- The request is to renew a previously approved use permit, which contained a 3-year timing stipulation.
- A new stipulation provides for the applicant to submit a bi-annual (2-year) status report to the Zoning Administrator for review.
- The requested use and site plan are identical to the previously approved case.
- No public opposition has been received on this case.
- Planning Commission recommends approval, 7-0.



Related Policies, References:

- Case 32-UP-2000 gave a 3-year approval period (from 2001-2003) for the original use permit in 2000.
- Case 102-DR-2000 gave development approval for the existing use on the site in December 2000.

OWNER

Arizona State Land Department
602-542-2625

APPLICANT CONTACT

Lynne Lagarde, 602-265-0094
Earl Curley & Lagarde Pc

LOCATION

E Union Hills Dr / N Scottsdale Rd (SE Corner)

BACKGROUND

Zoning.

The site is zoned Planned Community Development (PCD) and is utilizing Planned Regional Center (PRC) criteria as the comparable zoning within the PCD district. Seasonal art festivals require a conditional use.

General Plan.

The General Plan Land Use Element designates the property as Mixed-Use Neighborhoods with a Regional Use District. This category provides for retail, complimentary office, and high-density residential with other mixed uses. This area contains strong access and transportation connections including Scottsdale Road and the Loop101 Freeway. The Regional Use Overlay provides for regional retail, employment and office centers and tourism facilities.

Context.

This parcel is located at the southeast corner of Scottsdale Road and Union Hills Drive at Mayo Blvd. The surrounding property to the east and south is within the Planned Community District (PCD). To the north is a Planned Community District (PCD) zoning with comparable zoning for General Commercial (C-4) or Planned Regional Center (PRC) zoning.

History.

Celebration of Fine Art operated at the southwest corner of Scottsdale Road and Highland Avenue from 1990-1998. The use then relocated to Chauncey Ranch, west of the subject site, from 1998 through 2000, and finally settled at the current site in 2001.

**APPLICANT'S
PROPOSAL****Goal/Purpose of Request.**

The request is to modify stipulations of a previously approved use permit to allow additional operations for the Celebration of Fine Art seasonal art festival. The existing, temporary, 7.47-acre seasonal art festival was approved on this site in 2000, conditional to a 3-year timing stipulation that expires at the end of the current 2003 season. The applicant requests removal of the timing stipulation and permission for the seasonal art festival to operate on the site indefinitely. Since the use is seasonal and temporary, Staff has devised a stipulation that provides for flexibility while ensuring surrounding development is not impacted by its operation.

The seasonal art festival is authorized to operate for a 10-week period, between January and April of each year. The site is leased from the State Land Department and the lease is renewed bi-annually (2 years). The State Land Department anticipates that the site will be required for development within the next 6-8 years. Part of the original use permit approval and state lease is that all temporary structures be removed and the site be restored within 2 weeks of the business closing for the season. The "C-shaped" tent and other above-ground improvements, including office trailer, concession stand, restrooms, temporary fencing and lighting, are removed from the site each season. The parking lot and Union Hills Drive access are dust proofed and constructed of stabilized decomposed granite and gravel. Site landscaping and the drainage basins remain.

IMPACT ANALYSIS**Traffic.**

Traffic generated by the site does not have a significant impact on Scottsdale Road or other area streets. The site is anticipated to generate 400 trips per day with the majority of these occurring at non-peak periods and on weekends. Evening peak hour traffic is anticipated to be about 85 vehicle trips to and

from the site. Access to the site is from Union Hills Drive/Mayo Blvd. and Scottsdale Road intersection, which is signalized. Improvements have been made to Union Hills Drive, adjacent to the north side of the site, including a 65-foot half-street dedication and southbound, left turn lane construction. No direct access is provided to Scottsdale Road from the site.

Parking.

- 193 spaces are required, 203 are provided. The temporary parking lot is constructed with decomposed granite and gravel and has met requirements for dust control.

Development information.

- *Existing Use:* Seasonal art festival, operating January through April
- *Buildings/Description:* Temporary tent and office/storage trailer, removed at the end of each season
- *Parcel Size:* 7.47 acres (gross)
- *Building Height Allowed:* 60 feet
- *Existing Building Height:* 21 feet, (no change proposed)
- *Floor Area:* 38,500 square feet removable tent
- *Other:* Improvements to the Union Hills Drive/Mayo Blvd. and Scottsdale Road Intersection

Water/Sewer.

Water and sewer connections to City of Scottsdale services are provided.

Police/Fire.

City Police Department and Rural Metro have reviewed this application and it conforms to their standards and requirements for provision of service.

Open space, scenic corridors.

A 100-foot wide, open space corridor is provided across the front of the site adjacent to Scottsdale Road. Staff has stipulated additional landscaping along the Scottsdale Road frontage.

Community Impact.

The use is seasonal and temporary in nature and is not a significant generator of traffic. The site is currently surrounded by undeveloped land. This land will likely contain future retail, commercial, office, and automotive uses. The operation does not create a negative impact from noise, light, dust, or odor that would impact adjacent uses.

Use Permit Criteria.

Conditional use permits, which may be revocable, conditional, or valid for a specified time period, may be granted when expressly permitted only after the Planning Commission has made a recommendation and the City Council has found as follows:

- A. That the granting of such conditional use permit will not be materially

detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:

1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
 - *The operation of this seasonal art festival for the 3-year period, from 2001-2003, has not resulted in damage or nuisance arising from noise, smoke, dust, vibration, or illumination. Access to the site is from Union Hills Drive/Mayo Blvd. and Scottsdale Road intersection, which is signalized.*
2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - *The site does not create an unusual volume or character of traffic, and generates about 400 vehicle trips per day, with about 85 trips occurring at the P.M. peak hour.*
3. There are no other factors associated with this project that will be materially detrimental to the public.
 - *The use is temporary and operates for up to 10 weeks (70 days) per year. No materially detrimental factors exist.*
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
 - *Properties to the east and south of the site have the comparable zoning districts as this site. Stipulations ensure that the use will be compatible with future surrounding land uses.*
- C. The additional conditions specified in Section 1.403, relating to *seasonal art festival*, have been satisfied.
 - Fencing: *The site is contained within a fenced yard area.*
 - Parking: *Parking lots contain acceptable temporary parking surface.*
 - Fire Safety Plan: *A fire safety plan is reviewed yearly by Rural Metro.*
 - Temporary Structure Removal: *All temporary structures are removed from the site within 2 weeks of closing, each season.*
 - Quality of Food Services: *Food concessions onsite are professionally managed and meet health and sanitation services.*
 - Provision of restrooms: *Adequate restrooms are provided in a temporary modular structure.*
 - Structures: *All structures are temporary.*
 - Trash and Maintenance: *Trash receptacles are provided on the site.*
 - On-site Entertainment: *No entertainment is proposed on the site.*
 - Establishment of similar uses: *Any similar applications require separate use permits.*

Community involvement.

The applicant has completed a Neighborhood Improvement Report. Eight (8) landowners located within 750 feet of the site have been contacted. Contacts were provided by either letters or phone calls. Those contacted include Westcor/Chauncey, the Scottsdale Fairmont Princess and Lund Cadillac. No objection has been received regarding the extension of this use permit. Letters of support were received from Westcor/Chauncey and the Princess.

Key Issues.

- The applicant is requesting a permanent approval subject to the attached stipulation.
- The original use permit was approved with a 3-year timing stipulation, which extends to the end of the 2003 season.
- The current proposal is nearly identical to the originally approved case.

**STAFF
RECOMMENDATION**

Recommended Approach:

Staff recommends approval, subject to the attached stipulations.

Planning Commission:

This case was heard by the Planning Commission on April 22, 2003. No Citizen Comment Cards were submitted and the case was heard on expedited agenda. The Planning Commission inquired if the case would have to return for subsequent, future Use Permit public hearings. Staff replied that it would not and that a case stipulation provides for the applicant to submit a bi-annual (2-year) report to the Zoning Administrator for review indicating the type of development that has occurred in the surrounding area, and any changes proposed to the site plan.

The Commission inquired if aspects relating to transportation were adequate for the site. Staff replied that the Transportation Department was satisfied with the circulation plan for the site and that a traffic signal was located at Scottsdale Road and Union Hills Drive. Traffic generation for the use was not excessive and peak hour usage tended to be different than peak hour traffic on Scottsdale Road, with many of the trips being on weekends and during daytime business hours on weekdays.

The Planning Commission recommends approval, 7-0.

**RESPONSIBLE
DEPT(S)**

Planning and Development Services Department
Current Planning Services

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APPROVED BY

Kroy Ekblaw	Date
General Manager, Planning & Development Services Department	

Ed Gawf	Date
Deputy City Manager	

ATTACHMENTS

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Land Use Map
4. Zoning Map
5. Stipulations
6. Additional Information
7. Traffic Impact Summary
8. Citizen Involvement
9. April 22, 2003 Planning Commission Minutes
10. Site Plan

CITY COUNCIL REPORT



MEETING DATE: June 17, 2003

ITEM NO. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

LA Fitness

REQUEST

Request for a conditional use permit for a health studio on a 5.5 +/- acre parcel located at 1900 N Scottsdale Road with Highway Commercial (C-3) zoning.

5-UP-2003

Key Items for Consideration:

- The new health studio building will replace an existing vacant building.
- Adequate parking will be provided.
- Traffic impacts will not be adverse.
- The property abuts commercial and multi-family land uses.
- This is an opportunity to revitalize an underutilized property in the McDowell/Scottsdale Road area.
- Planning Commission recommends approval, 7-0.

OWNER

Scottswest Associates Inc

APPLICANT CONTACT

Jorge Calderon
Robert Kubicek Architects
602-955-3314

LOCATION

1900 N Scottsdale Rd

BACKGROUND

Zoning.

The site is zoned Highway Commercial District (C-3). The C-3 zoning district allows most types of commercial activities to serve a larger segment of population than the average neighborhood. Health studios require approval of a conditional use permit in the C-3 District.

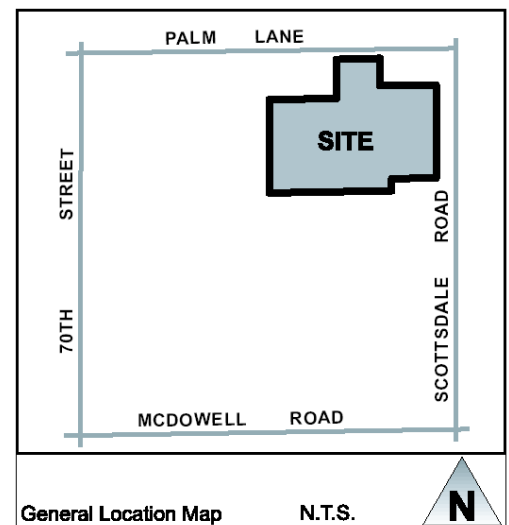
Context.

This property is located near the southwest corner of Scottsdale Road and Palm Lane. The surrounding area consists of commercial zoning and development to the north, east, and southwest, and there is multi-family housing development to the northwest.

APPLICANT'S PROPOSAL

Goal/Purpose of Request.

The applicant proposes to operate a health studio in a new 41,000 square-foot



building. The proposed new building and parking lot will be in the same general configuration as the existing building and parking lot. New landscaping and parking areas are also proposed. LA Fitness plans to relocate from its current lease space near Miller and McDowell Roads to this location.

All of the proposed health studio activities will be indoors. The features of the health studio include aerobics, cardiovascular and weight equipment, sport courts, pool and spa facilities, juice and sandwich bar, lockers/changing rooms, and restrooms. The applicant proposes no limits to hours of operation, but usually operates between the hours of 5am and midnight.

Development information.

- *Existing Use:* Vacant retail building
- *Proposed Use:* New health studio building
- *Buildings/Description:* One building
- *Parcel Size:* 5.5 acres
- *Building Height Allowed:* 36 feet
- *Proposed Building Height:* 32 to 36 feet, 48-foot rotunda
- *Floor Area:* 41,000 sq.ft.
- *Parking:* 137 spaces are required, 299 are provided

IMPACT ANALYSIS

Traffic.

The applicant's data shows that the health club will produce 234 AM peak hour trips, 268 PM peak hour trips, and 2,678 daily trips. In comparison with three types of otherwise permitted development (medical – dental office, shopping center, and combination general office and shopping center), the health studio produced more morning peak hour trips than each of the three, less afternoon peak hour trips than two of the three, and less daily trips than each of the three.

Scottsdale Road in this area currently carries 45,000 vehicles per day, under its design capacity of 55,000. The main entrance on Scottsdale Road will be reconstructed to meet City design standards and will include a deceleration lane. Primary access to Scottsdale Road and secondary access to commercial property to the south and to Palm Lane to the north will help disperse traffic away from nearby residential neighborhoods. The City is currently installing traffic calming improvements on Palm Lane. The proposed use will not create adverse traffic impacts on local streets.

Use Permit Criteria.

Conditional use permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and the City Council has found as follows:

- A. That the granting of such conditional use permit will not be materially detrimental to the public health, safety or welfare. In reaching this

conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:

1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
 - *This use does not generate smoke, odor, dust, vibration or illumination.*
 - *There are no external speakers or window openings. Noise from operations will be contained within the building.*
 2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - *The traffic generation analysis demonstrates that the use will not have a negative impact on traffic.*
 - *The City is currently installing traffic calming improvements on Palm Lane.*
 3. There are no other factors associated with this project that will be materially detrimental to the public.
 - *The project narrative and file contents do not lead to any other factors that could be materially detrimental to the public.*
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
- *The use occurs entirely within an enclosed building and the operational characteristics will be compatible with the surrounding uses.*
 - *There will be double the amount of parking provided on the site than is required, and there is a sufficient amount of open space. Extra parking spaces will help assure no parking will occur in the surrounding neighborhoods.*
- C. The additional conditions specified in Section 1.403, as applicable, have been satisfied.
- No additional conditions are specified in the Zoning Code.*

Community involvement.

The applicant has contacted surrounding property owners regarding this proposal. A nearby property owner called to express support of the project. Another nearby property owner called expressing general support for the project but objecting to a 24-hour operation; the caller was also concerned about cut-through traffic in nearby neighborhoods.

Community Impact.

This is an opportunity to revitalize a vacant property in the McDowell/Scottsdale Road area. The use will not have a negative impact on traffic. Traffic cutting through nearby neighborhoods is not likely.

RECOMMENDATION

Planning Commission:

The Planning Commission heard this case on May 14, 2003. No one spoke in opposition to this request. The Planning Commission discussed potential impacts on the surrounding neighborhoods from cut-through traffic.

Planning Commission recommends approval, 7-0.

**RESPONSIBLE
DEPT(S)**

Planning and Development Services Department
Current Planning Services

DEPT(S)**STAFF CONTACT(S)**

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APPROVED BY

Kroy Ekblaw
General Manager, Planning & Development Services Department

Date

Ed Gawf
Deputy City Manager

Date

ATTACHMENTS

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Zoning Map
4. Stipulations
5. Additional Information
6. Traffic Impact Summary
7. Citizen Involvement
8. May 14, 2003 Planning Commission Minutes
9. Site Plan

CITY COUNCIL REPORT



MEETING DATE: 06/17/2003 ITEM NO. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

Adoption of revised building codes.

REQUEST

City council is requested to adopt Ordinance 3505, adopting the 2003 International Building Code and International Residential Code; Ordinance 3506, adopting the 2003 International Mechanical Code; Ordinance 3507, adopting the 2003 International Fire Code and Resolution 6310, 6311, 6312, 6313, 6309 and 6325, declaring the above Ordinances as a public record.

Related Policies, References:

Replace current Ordinance 3096, 3097 and 3100.

KEY ISSUES

- 1) Proposal will update our building codes to be consistent with industry standards and insure safety and consistency in all construction activity in Scottsdale.
- 2) This proposal will maintain the current favorable rating with the Insurance Services Office, which establishes criteria for setting insurance premiums.
- 3) Simplifies residential information and documentation. Reformats codes for clarity and ease of use.
- 4) Includes energy conservation for the first time. Supported and recommended by the Environmental Quality Board.
- 5) Upgrade is unanimously recommended by the Scottsdale Building Advisory Board.

BACKGROUND

Since incorporation the City of Scottsdale has adopted building codes published by the International Conference of Building Officials (ICBO). The International Building Codes (IBC) are the next edition of these codes. Each edition of the building codes has been adopted with the appropriate amendments to adapt the codes to the climate and local conditions in Scottsdale.

Scottsdale was the first city in the area to adopt the 1997 codes, which have been in effect since 1998. The 2000 edition of the codes have been adopted by Maricopa County, Pima County, Chandler, Gilbert, Peoria, Avondale, Carefree, Goodyear, Litchfield Park, El Mirage, Gila River, Queen Creek, Surprise, and Tucson. When adopted Scottsdale will be the first in the area to implement the 2003 codes.

Action Taken _____

PROPOSAL

This proposal will update the Building Code, the Mechanical Code and the Fire Code, and adopt a separate residential code. The following summarizes the content of each code.

- The building code contains life-safety requirements for commercial design. It has provisions for structural design of concrete, steel, masonry, wood, etc. It has fire resistive and exiting requirements designed to protect the occupants, fire fighters and the structure.
- The residential code contains all of the necessary code requirements for single-family homes in a single manual, for the first time in Scottsdale. It includes structural, electrical, HVAC, and plumbing. Structural systems covered include wood, steel, masonry and concrete/foam composite designs.
- The mechanical code provides codes for heating and cooling and ventilation in commercial buildings.
- The fire code is coordinated closely with the building code and establishes regulations for fire prevention and fire protection systems. It addresses the hazards to life and property from fire, explosion, handling and use of materials. It regulates the continued safe use of buildings.

ANALYSIS & ASSESSMENT

Significant issues to be addressed.

This is an update of our existing codes. The basic requirements of the existing codes have been preserved, with improvements in the following significant areas:

- 1) The residential component of the building code is a comprehensive document which for the first time includes all code requirements and diagrammatic references necessary for the construction of single-family homes in one manual (including plumbing, for which a separate code is mandated by state law). Provides ease of use for homeowners, architects, engineers and builders.
- 2) The building code includes in one manual, all structural and life-safety requirements for commercial and multi-family buildings. With this edition it also includes an accessibility standard accepted by HUD that clarifies previously conflicting requirements for the disabled in multi-family housing.
- 3) The mechanical code includes a requirement for outside air intakes to be placed in secure locations, as requested by the police department, to protect building inhabitants from potential air contamination.
- 4) The fire code is reformatted for clarity, requirements do not change.
- 5) Introduces for the first time the energy conservation provisions of the codes; insulation values, air infiltration, solar heat gain, inside air quality. The Scottsdale Environmental Quality Advisory Board unanimously supports the adoption of these codes.

The adoption of these codes will significantly improve the city's rating with the Insurance Services Office, ensuring the lowest premium rates for all property owners, residential and commercial throughout the entire city.

RESOURCE IMPACTS

Staffing, workload impact. The adoption of revised codes involves a minor impact on workload for training. New books and training materials, all of which has been planned for in the 03 / 04 budget.

Community impact. The residential code will provide more useful knowledge and understanding for the homeowner/contractor or small builder. There is no significant financial impact on the construction industry or consumer as the changes are consistent with our current regulations and those currently in use in

COMMUNITY INVOLVEMENT

other jurisdictions in the Valley.

The IBC codes have been studied by an industry-wide committee organized by Arizona building officials, which included architects, engineers, utilities, contractors and others. The committee authored amendments to be adopted by municipalities statewide.

These codes are publicly endorsed by The American Institute of Architects, The Arizona Homebuilders Association, The Structural Engineers Association of Arizona, and the Building Owners and Managers Association. They have been adopted by the Arizona Department of Health Services for health care construction. The Arizona Energy Office endorses the energy conservation components of these codes.

The Scottsdale Building Advisory Board of Appeals has reviewed the codes presented to City Council, and discussed them in public forums. They unanimously support the adoption of these codes. Notice of public forums was sent to architects, engineers, contractors and firefighters organizations, as well as individual firms and government agencies.

The Scottsdale Environmental Quality Advisory Board has reviewed, and discussed in public forum, the energy conservation provisions of the codes; insulation values, air infiltration, solar heat gain and inside air quality. The board unanimously supports the adoption of these codes.

The fire prevention officers at Rural Metro Fire Department have been involved in coordinating the amendments to the Fire Code with the Building Code amendments to maintain a seamless set of codes offering the greatest possible fire safety protection for building occupants and firefighters. In addition to our own analysis these codes have been reviewed by numerous fire prevention departments and building regulatory agencies, primarily on the west coast, and found to be the most acceptable codes for adoption.

OPTIONS & RECOMMENDATIONS

Description of Option A:

Adopt ordinance 3505, revised Building Code; ordinance 3506, revised Mechanical Code; ordinance 3507, revised Fire Code.

Description of Option B:

The city could remain with the current 1997 edition of the codes and would possibly be the only City using this edition in the next 12 months. The city's rating with the Insurance Services Office would be downgraded, resulting in higher premium rates for property owners.

Description of Option C:

The City Council could continue this item for additional information.

Board Recommendations:

The Scottsdale Environmental Quality Advisory Board unanimously recommends the adoption of these codes.

The Scottsdale Building Advisory Board of Appeals unanimously recommends the adoption of these codes.

Staff Recommendation: Approve per Option A

RESPONSIBLE DEPT(S)

Planning and Development Services.

STAFF CONTACTS

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Jim Ford, Fire Marshall 480-627-6607

e-mail : Jim_Ford@rmetro.com

APPROVED BY

Kroy Ekblaw

Date

General Manager, Planning & Development Services

Ed Gawf

Date

Deputy City Manager

ATTACHMENTS

1. Ordinance 3505, adopting the 2003 International Building Code
2. Ordinance 3506, adopting the 2003 International Mechanical Code
3. Ordinance 3507, adopting the 2003 International Fire Code
4. Resolution 6310, 6311, 6312, 6313, 6309 and 6325, declaring the above Ordinances as a public record

CITY COUNCIL REPORT



MEETING DATE: June 17, 2003

ITEM NO. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

Scottsdale Road - Bell to Deer Valley

REQUEST

Request to approve Ordinance No. 3511 to annex a strip of roadway on Scottsdale Road from Bell Road to Deer Valley from Maricopa County.

1-AN-2003

Key Items for Consideration:

- This is a narrow County island that is wholly located within a roadway corridor.
- Scottsdale Road is a major road that serves most of the city.
- Annexation of this strip would simplify the maintenance, operations, regulation and enforcement of this important road.
- Planning Commission recommends approval, 7-0.

Related Policies, References:

This area of annexation is located within a future street project that would widen the road to six lanes.

OWNER

City of Scottsdale and Arizona State Lands Trust

APPLICANT CONTACT

City of Scottsdale

LOCATION

Scottsdale Road - Bell to Deer Valley

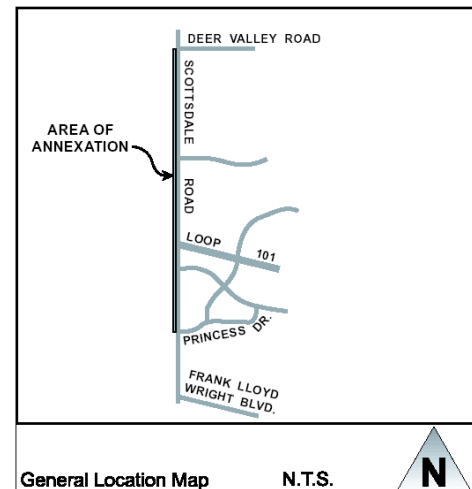
BACKGROUND

General Plan.

The General Plan Mobility Element designates this property as part of a "Regional System" street corridor. The proposed Streets Master Plan shows this roadway as a parkway. Scottsdale Road has been planned as a 6-lane roadway for nearly 40 years.

Context.

This annexation is located west of the monument line that represents the center of Scottsdale Road. The current city boundary is located 55 feet west of the monument line and was established in 1964. The City of Phoenix boundary is located 65 feet west of this monument line, leaving a 10 feet wide gap between the two cities.



The lands on the east side of Scottsdale Road in this area represent a number of major developments, including the Princess Hotel, the Crossroads East State Lands, the proposed Stacked 40s project and Grayhawk. To the west, the lands in Phoenix are also predominantly in major projects such as Chauncey Ranch, Scottsdale 101, and Paradise Ridge, most of which are State Lands. Most of this land is currently vacant.

**APPLICANT'S
PROPOSAL****Goal/Purpose of Request.**

The purpose is to eliminate a narrow County island within the area of Scottsdale Road.

Key Issues.

The County has indicated that they would like for this annexation to occur to reduce the number of jurisdictions and therefore potential confusion.

Process.

Upon completion of action by the City Council, Maricopa County will schedule this request for approval by the Board of Supervisors. In addition, an annexation request and notification has been filed with the State Land Department and is awaiting action by their Commission. The City of Phoenix has been notified of this pending action as well.

IMPACT ANALYSIS**Traffic.**

Scottsdale Road is and will continue to be a major carrier of local and regional traffic. The city is committed to improving the capacity of this road segment before substantially more growth occurs in the area.

Water/Sewer.

There are both City of Scottsdale and City of Phoenix water and sewer lines located nearby and within this road corridor.

Police/Fire.

Annexation of this area would simplify traffic operations, regulation, enforcement and emergency response on this major street by reducing the number of jurisdictions involved.

Open space, scenic corridors.

This portion of Scottsdale Road is designated as a scenic corridor in the General Plan.

Community involvement.

The city is coordinating with the State Land Department in facilitating this annexation request.

Community Impact.

Annexation of this narrow island would have no significant adverse effect on the community.

RECOMMENDATION**Planning Commission.**

The Planning Commission heard this case on May 14, 2003. They had one

question regarding the impact of proceeding with the annexation, particularly with regard to issues such as maintenance and operations. There were no questions or comments from the public at the meeting.

Planning Commission recommends approval, 7-0.
Staff recommends approval.

**RESPONSIBLE
DEPT(S)**

Planning and Development Services Department

STAFF CONTACT(S)

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APPROVED BY

Kroy Ekblaw	Date
Planning and Development Services General Manager	

Ed Gawf	Date
Deputy City Manager	

ATTACHMENTS

1. Context Aerial
2. Legal Description
3. Ordinance No. 3511
Exhibit Legal Description
4. May 14, 2003 Planning Commission Minutes

CITY COUNCIL REPORT



MEETING DATE: 06/17/2003 ITEM NO. _____ GOAL: Fiscal Management

SUBJECT

Authorize IGA

REQUEST

Consider approval of an IGA authorizing the Mayor to enter into Intergovernmental Agreement No. 2003-112-COS, between the City of Scottsdale and other legal entities that invested monies in NCFE through the LGIP for a joint legal action, including the retention and direction of outside counsel, arising out of the NCFE bankruptcy.

Related Policies, References: Resolution No. 6308

BACKGROUND

The State Treasurer manages a Local Government Investment Pool ("LGIP"), established by state law (ARS §35-326) for investment of local government monies not immediately needed. State law requires Arizona governments to invest their temporarily idle funds to secure a reasonable rate of return. The LGIP provides a mechanism for pooling such funds for investment. The investment portfolio for the LGIP funds is selected and actively managed by investment managers employed by the State Treasurer.

As part of the investments made by the Treasurer's office in 2002, approximately \$131 Million of LGIP funds were invested in bonds issued by National Century Financial Enterprises, Inc. ("NCFE"). Of that amount, approximately 7.8 million belonged to the City of Scottsdale. In July 2002, the rating of the NCFE bonds by Fitch Ratings was downgraded from AAA to AA. On November 11, 2002, NCFE filed for bankruptcy protection in the U.S. Bankruptcy Court of the Southern District of Ohio. The State Attorney General's Office has filed a proof of claim on behalf of all LGIP investors in the bankruptcy and is protecting and pursuing this claim.

The local governments who participated in the LGIP pool, including Scottsdale, have formed a steering committee, and the committee is recommending that a new legal entity be formed called the Arizona Public Entity NCFE Loss Recovery Coalition, Inc. ("Coalition") to pursue litigation in an effort to recover the LGIP losses. As a result of a competitive RFP selection process, this committee is further recommending that the Coalition retain the firm of Gibbs & Bruns, based in Texas, for the contemplated legal action. Gibbs & Bruns is already involved in preparing third-party litigation against NCFE's fiduciaries for its other clients, has the expertise and resources such a case requires and can cost effectively represent the Coalition investors.

Action Taken _____

ANALYSIS & ASSESSMENT

Recent staff action.

The City Attorney's office has participated on a steering committee with several other attorneys from other local governments who invested in the LGIP pool in an effort to recover as much of the losses as possible. The committee has recommended that the LGIP investors come together to form a new legal entity to pursue and direct third party litigation on behalf of all LGIP investors, with the exception of the State, arising out of the NCFE bankruptcy and retain outside counsel to do so. The Scottsdale City Attorney's Office has participated in a competitive process involving interviews of outside counsel for this purpose and agrees with the committee's recommendation to form a new legal entity and to retain the top candidate, Gibbs & Bruns.

On May 16, 2003 Gibbs & Bruns notified the City that it had a statute of limitations concern and out of an abundance of caution, the case contemplated against Bank One and other fiduciaries and auditors of NCFE, should be filed no later than May 23, 2003. The City Attorney, in an effort to protect the City's claim, provided Gibbs & Bruns with his consent to include the City of Scottsdale in the case with the express understanding that the City would be able to later opt out of the case without incurring any fees or costs. The City has until June 18, 2003 to opt out.

Significant issues to be addressed. The City must determine if it would rather allow the State to pursue its potential third party claims for its NCFE losses without the ability to have a voice in the case, hire legal counsel on its own without joining together with other local governments, or join together with other local governments to create a new legal entity called the Arizona Public Entity NCFE Loss Recovery Coalition, Inc. to pursue potential third party litigation arising out of the NCFE bankruptcy.

If the State is given the responsibility to pursue the City's claims, it will most probably take a substantial attorney fee and substantial costs out of any recovery for doing so (the State's original fee proposal was that of 35% of any recovery) and the City would not be able to act as a client to obtain information and direct the litigation as the City would like. If the City retains outside counsel with a specialty in securities fraud litigation on its own, the fees and costs will be much greater than if the City joins together with other local LGIP investors who lost over \$100 million as a result of the NCFE bankruptcy.

If the City joins together with other local governments and LGIP investors to form the Arizona Public Entity NCFE Loss Recovery Coalition, Inc., the City will be represented with a permanent seat on the Board of Directors and will have a vote regarding how the litigation moves forward. Arizona Public Entity NCFE Loss Recovery Coalition, Inc. will recommend that the firm of Gibbs & Bruns, based in Texas, be retained. Gibbs & Bruns is already involved in preparing third-party litigation against NCFE's fiduciaries, has the expertise and resources required and can cost effectively represent the Coalition. Gibbs and Bruns requires a cost retainer and payment of costs and the City will be requested to contribute an amount up to \$80,000.00, throughout the course of the contemplated litigation.

Policy implications.

Not applicable

Community involvement.

Not applicable

(Continued)

RESOURCE IMPACTS

Available funding. The proposed costs for the proposed litigation will be paid from the outside legal services account in the City Attorney's Office budget.

Staffing, workload impact.

The City of Scottsdale's Attorney's Office does not currently have the resources or expertise necessary for such a massive and complex piece of securities fraud litigation and outside counsel is needed. However, the time required to monitor the case and participate on the Board of if the IGA is approved, is not expected to be unmanageable.

Maintenance requirements.

If the IGA is approved, the City will continue on the Board of Directors until the case is concluded and the new legal entity is dissolved.

Future budget implications.

None

Cost recovery options.

If the litigation is successful, the costs will be recovered.

OPTIONS & STAFF RECOMMENDATION

Description of Option A:

Approve the IGA and approve up to \$80,000 in litigation costs.

Description of Option B:

Ask the State to pursue Scottsdale's investment in the litigation it is contemplating.

Description of Option C:

Retain outside counsel solely to represent the City of Scottsdale.

Recommended Approach:

Legal staff recommends that Option A be approved. The State has a potential conflict of interest with the City in this matter and if Option B is approved, the City will have no voice in any future litigation seeking to recover the City's losses. Option C is an option that is too expensive given that the litigation costs, estimated to be \$4 million, will not be spread pro rata over the entire Coalition's losses, which collectively total over \$100 million.

Option A allows the pool of investors to safely come together and form a legal entity for the sole purpose of pursuing and directing the litigation, on which the City of Scottsdale would be a voting member of the Board of Directors. The Coalition will recommend that Gibbs & Bruns be hired as outside counsel, and this firm will further apportion the costs of the NCFE litigation among all of its clients, currently estimating the total LGIP Coalitions costs to be approximately 8% of the total estimated cost amount of \$4 million (\$320,000.00) that will be further spread on a pro rata basis among all of the LGIP participants in the IGA.

(Continued)

Proposed Next Steps:

If the IGA is approved the City will issue a check for no more than \$20,000.00 to outside counsel to cover the City's share of the Coalition's initial cost retainer.

RESPONSIBLE DEPT(S)

Financial Services, City Attorney's Office

STAFF CONTACTS

Sherry R. Scott, Assistant City Attorney, 480-312-2405, sscott@ScottsdaleAZ.gov

APPROVED BY

Craig Clifford, Financial Services General Manager Date

Jan Dolan, City Manager Date

David A. Pennartz, City Attorney Date

ATTACHMENTS

1. Resolution No. 6308
2. Intergovernmental Agreement No. 2003-112-COS

(Continued)

CITY COUNCIL REPORT



MEETING DATE: 06/17/2003 ITEM NO. _____ GOAL: Fiscal Management

SUBJECT

Contract for Legal Services in connection with City of Scottsdale v. condemnation of land at 104 Street and Bell (owned by Toll Brothers Homes).

REQUEST

Adopt Resolution No. 6235 authorizing the Mayor to execute Contract No. 2003-010-COS, an outside counsel contract in a maximum amount of Fifty Thousand Dollars (\$50,000.00) with the law firm of GRAHAM & ASSOCIATES, LTD. for legal services regarding representation of the City of Scottsdale in the condemnation and litigation of an eminent domain action brought to acquire real property for McDowell Sonoran Preserve gateway.

Related Policies, References:

Resolution No. 6235

BACKGROUND

This case involves a condemnation proceeding initiated by the City to acquire approximately 800 acres of land owned by Toll Brothers Homes formerly purchased at auction for \$65.5 million. Negotiations were initiated by the City to condemn the property for inclusion within the McDowell Sonoran Preserve established by the City for a park for desert and mountain preservation.

Remaining issues concern just compensation and fair market value for the land actually condemned and severance damages, if any, for the land not condemned. These issues are all extremely complicated and include consideration and analysis of planning issues, development costs, development viability, physical properties of the land, the Public Trust Doctrine, State Land Department participation and the effect of existing improvements, in addition to more customary valuation concerns.

ANALYSIS & ASSESSMENT

Preliminary exchange of information and opinions indicates that matter involves a difference of opinions of value in excess of \$43,000,000.00, making this case the largest condemnation case in the State of Arizona at this time.

RESOURCE IMPACTS

The contract will enable the City to obtain expert legal services with respect to this matter. This contract will be paid from funds reserved for the acquisition of real property with McDowell Sonoran Preserve study boundary. This contract will be paid from funds available in capital account number 52140.

Action Taken _____

**OPTIONS & STAFF
RECOMMENDATION**

The scope of this litigation requires resources beyond those available to the City in-house. In addition, aside from the fact that GRAHAM & ASSOCIATES, LTD. are providing top quality representation, it would be extremely financially inefficient to seek other representation at this point in the litigation. In addition, the defendants have hired several attorneys, having the effect of “conflicting out” most of the small handful of firms with the special expertise needed for this genre of case, and this case in particular. Consequently, the only alternative to initiating this contract would be to settle this action.

RESPONSIBLE DEPT(S)

General Government, City Attorney’s Office – Civil Division

STAFF CONTACT(S)

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APPROVED BY

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Date

Jan Dolan
City Manager, jdolan@ci.scottsdale.az.us
(480) 312-2422

Date

ATTACHMENTS

1. Resolution No. 6235
2. Contract No. 2003-010-COS

CITY COUNCIL REPORT



MEETING DATE: 06/17/2003 ITEM NO. _____ GOAL: Neighborhoods

SUBJECT

Revocable License Agreement with the Scottsdale Rose Society, Inc.

REQUEST

Adopt Resolution No. 6299 authorizing City Council to approve Revocable License Agreement No. 2003-046-COS with the Scottsdale Rose Society, Inc., to install, maintain and repair the Rose Garden in Downtown Scottsdale.

Related Policies, References:

On December 14, 1992, the Mayor and City Council adopted Resolution No. 3712 authorizing the execution of Easement Agreement No. 920139 with the Scottsdale Rose Society for the creation and maintenance of a rose garden in Scottsdale downtown. The easement agreement expired December 31, 2002.

On January 10, 2003, the City of Scottsdale and Scottsdale Rose Society entered into a short-term (180 days) revocable license agreement to continue existing arrangements for the Rose Garden until July 9, 2003, in accordance with Section 2-221(c) of the Scottsdale Revised Code.

BACKGROUND

On December 14, 1992, City Council agreed to the development of a rose garden adjacent to a planned public surface parking facility on the northwest corner of Goldwater Boulevard and Fifth Avenue. The rose garden is along the stretch of Fifth Avenue fronting the parking area, and was conceived with the parking project as a public amenity for the Fifth Avenue/Marshall Way specialty retail district and the community as a whole.

The Scottsdale Rose Society was selected from a competitive bidding process to develop the rose garden initially with the plants and proper potting soils, and to be responsible for the regular and necessary maintenance to keep the rose garden in an attractive and first-class condition.

The initial Easement Agreement with the Scottsdale Rose Society was for a maximum period of ten (10) years with an annual renewal notice requirement. If approved by City Council the Revocable License Agreement will be in effect for nine and one-half (9 ½) years, with an annual extension notice, and terminate no later than December 31, 2012.

The City and Scottsdale Rose Society share responsibilities for maintenance and operation of the Rose Garden, which are shown in the license agreement as:

Action Taken _____

City's Duties:

- Maintain the walkways and walls originally installed (by the City) for the Rose Garden, including painting and repair as required.
- Maintain a cooling tower and/or gazebo if one is installed by the City.
- Maintain the rose garden irrigation system.
- Provide the water and electricity needed for the irrigation system.
- Pick up rose plant and related trimmings generated by Scottsdale Rose Society members, generally four (4) times each year.
- Consider requests for minor/routine maintenance and repair to benches provided by the Scottsdale Rose Society and benches provided by the City, and placed in the rose garden.

Scottsdale Rose Society Duties:

- Provide, install and maintain rose plants and materials in the planter beds.
- Maintain clear sight lines for the Rose Garden parking lot entrance/exit and vehicles traveling on the stretch of Fifth Avenue from Goldwater Boulevard to Indian School Road.
- Notify City staff fourteen (14) days or more in advance of the date(s) planned for trimming the rose bushes, to schedule trimmings pickup.

The agreement allows the City to modify, reconfigure or relocate the gardens as necessary. It also permits termination by either party for any reason or no reason, provided ninety days written notice is given to the other party.

ANALYSIS & ASSESSMENT

Community involvement:

The Rose Garden is a very visible component in the city's downtown landscaping plan, and compliments the adjoining businesses (and their visitors) very well.

The members of the Scottsdale Rose Society take great pride in the rose garden. They 1) provide and care for 400 rose bushes each year, offering 450-500 volunteer hours for planting, fertilizing and mulching, and pruning, 2) have 21 consulting Rosarians willing to assist anyone who would like help with caring for their own roses, 3) offer public pruning demonstrations and garden tours several times each year, and 4) hold monthly business meetings, and welcome new visitors and members.

RESOURCE IMPACTS

Available funding and maintenance requirements:

The City's share of maintenance and operation for the rose garden is funded in the related operating budgets that would pay for normal city facility and infrastructure repairs, i.e., walkways/screening walls, irrigation system and electrical supply repairs, water and electricity utility costs, and grounds maintenance staff to collect the trimmings four times/year.

Staffing, workload impact:

Approval of the Revocable License Agreement does not require new staffing resources or reassigning staff from other priorities or programs.

OPTIONS & STAFF RECOMMENDATION

Description of Option A:

Adopt Resolution No. 6299 authorizing City Council to approve a Revocable License Agreement with the Scottsdale Rose Society, Inc. This will allow the Scottsdale Rose Society to install and maintain the Rose Garden through December 31, 2012, and allow the City to reconfigure or relocate the garden as needed or terminate the agreement in ninety (90) days with written notice to the Scottsdale Rose Society.

Description of Option B:

Do not adopt Resolution No. 6299. This would anticipate the city land being used for the Rose Garden may be needed for another use in the near future, and that the Rose Garden would have to be relocated or not maintained any longer.

Recommended Approach:

Adopt Resolution No. 6299 authorizing City Council to approve a Revocable License Agreement with the Scottsdale Rose Society, Inc. The Scottsdale Rose Society would continue to install and maintain the Rose Garden, and the City would have the ability to relocate the Rose Garden, or terminate the License with the Scottsdale Rose Society, as needed.

Proposed Next Steps:

If Council adopts Resolution No. 6299 staff will continue to work with Scottsdale Rose Society representatives to ensure the Rose Garden is well maintained.

If Council chooses to not adopt Resolution No. 6299 staff will initiate discussions to develop a plan outlining specifically the alternatives and impacts to relocate the rose garden or not maintain it any longer.

RESPONSIBLE DEPT(S)

Municipal Services Dept./Asset Management Div. and Citizen and Neighborhood Resources Dept./Customer Service and Communication Div.

STAFF CONTACTS

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Sahler Hornbeck, Downtown Liaison, 480-312-2394,
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APPROVED BY

Judith Register Citizen and Neighborhood Resources General Manager jregister@ScottsdaleAZ.gov	Date
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Alvis T. Dreska Municipal Services General Manager adreska@ScottsdaleAZ.gov	Date
---	------

Ed Gawf Deputy City Manager egawf@ScottsdaleAZ.gov	Date
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ATTACHMENTS

1. Resolution No. 6299
2. Revocable License Agreement No. 2003-046-COS

City Council Report



MEETING DATE: June 17, 2003

ITEM NO. _____ GOAL: Preservation and Character

SUBJECT

Sign Ordinance Text Amendment

REQUEST

Request

1. Adopt Ordinance No. 3515, approving an update to Ordinance No. 455 (Zoning Ordinance) amending Article VIII, Sign Requirements.
2. To adopt Resolution No. 6319 declaring the above text amendment a public record.

7-TA-2002

Key Items for Consideration:

These sign ordinance issues originated from comments made by the City Council, citizens, and business community. A number of improvements have been introduced to provide new flexibilities on how to utilize existing sign budgets. In general, these changes do not result in increases in total square footage of signage, however, one exception results in minor increases of existing sign budgets. Additionally, some revisions to the street banner regulations have been made. The sign ordinance amendments include:

- Making the ordinance more user friendly
 1. Adding graphics and a table of contents
 2. Clarifying regulations related to special event banners
- Allowing the Development Review Board additional discretion in aesthetic considerations regarding sign placement on building walls while not increasing allowable sign area, with the exception of Community Sign Districts
- Allowing a variety of properties to utilize an option for a new mid-size monument sign that is taller than current monument signs and lower in height than the current tower sign. For centers over 100,000 square feet, the tower sign may be replaced by 2 midsize monument signs.
- Allowing up to 3 tenant names, in addition to identifying the building or complex name, on mid-size monument and tower signs. There is no increase in the amount of sign area allowed.
- Allowing up to 3 brand names on separate freestanding monument type signs for auto dealers. There is no increase in the amount of sign area allowed.
- Addressing community concerns relative to visual clutter by reducing the size of temporary signs in the right-of-way and on private property.

Related Policies, References:

A Scottsdale Sensitive Design Principle suggests that signage should consider the distinctive qualities and character of the surrounding context

and should be designed to be complementary to the architecture, landscaping, and design theme for the site. Visibility and legibility of the signs should also be considered.

APPLICANT CONTACT

Jeff Fisher	Curtis Kozall
City of Scottsdale	City of Scottsdale
480-312-7619	480-312-7034

LOCATION

City-Wide

BACKGROUND

The sign ordinance has been viewed as a model resulting in attractive permanent signage that has complemented rather than dominated the City's streetscapes. Sign applicants, members of the business community and citizens were involved in the review of the sign ordinance. Several ideas were identified to keep the ordinance consistent with new community and business trends, and to respond to City Council's direction to bring back the issue of temporary signage.

On December 11, 2002, the Planning Commission initiated this text amendment to the sign ordinance. On February 10, 2003, staff presented the key items discussed above to the City Council. On May 14, 2003, staff presented this proposed amendment to Planning Commission.

PROPOSAL**Goal/Purpose of Request.**

The goal of this text amendment is to update the sign ordinance by responding to City Council, citizen, business community, and operational/enforcement concerns.

The following provides an assessment of each proposed change to the sign regulations in the Zoning Ordinance:

- Making the sign ordinance more user friendly:
 - The addition of a table of contents for the sign ordinance is intended to make these regulations easier to use. Graphics have been added to the definition section of the sign ordinance to clarify the meaning of defined terms, making the sign requirements easier to understand and apply.
 - Special Event Signage: Staff has reviewed the sign regulations for special event signs. Sign regulations have been slightly modified for special event street banners only. Clarifications to the street banner section include:
 1. Revise the appeal process so that it is consistent with the special event permit appeal process. This change removes the appeal from the City Council and places it before the Zoning Administrator.
 2. Allow an event to utilize both horizontal street banner locations if there is no request for the other location.
 3. Remove the provision requiring vertical and horizontal banners installed in the same area to identify the same event. This will allow more than one event to be identified.

- Allowing additional Development Review Board flexibility: A revision has been made which allows the Development Review Board some flexibility regarding sign placement on building walls. This proposed flexibility allows signage for tenants to be placed in alternative locations, rather than only above their occupied space, and allows the Development Review Board discretion to approve sign placement that responds to the building and site design. This will allow signs to be located in groupings, where visible and appropriate to the building's design (see Attachment 3).

Another revision relating to Development Review Board flexibility occurs with the existing Community Sign District program, which is designed to address the sign requirements of large projects over 300,000 square feet. Economic Vitality supports this proposal as larger projects may justify this additional flexibility. Currently, the Development Review Board has the ability to increase the sign area by ten (10) percent. This proposal will allow the Development Review Board the option to increase the sign area up to twenty (20) percent per design considerations. This is the only area of the proposed amendment that will allow a possible increase in overall sign square footage. Community Sign District comprehensive sign programs currently exist for Fashion Square and the Scottsdale Autoplex, and could apply to other large developments such as the Stacked 40s, Los Arcos, and Scottsdale Healthcare projects.

- The option to utilize a new, medium-sized, free-standing sign: This revision allows multiple tenant buildings/complexes over 30,000 square feet in building area, and hotels with 101 rooms or more to have a mid-size monument sign. The new sign type has a maximum height of 8-12 feet and a maximum sign area of 60 square feet. This sign type requires a 10-foot setback from the property line and is placed in a landscaped area of 240 square feet. The mid-size monument sign is lower than the current tower sign, which ranges from 15 to 25 feet in height and has a larger sign area. This provides an alternative sign type to the business community. Only one freestanding sign type is allowed per street frontage for multi-tenant buildings/complexes under 100,000 square feet, resulting in no increase in the total sign budget for the building/complex.

Per the Planning Commission's recommendation (stipulation #1), multi-tenant buildings/complexes over 100,000 square feet will have the option to substitute two (2) mid-size monument signs for one (1) tower sign. However a business could not have both a mid-size monument and tower sign on the same street frontage where those sign choices exist (see Attachment 5A and 5B).

- Allowing up to 3 tenant names on freestanding signs: A revision has been made to allow up to 3 tenant names on the mid-size monument and tower sign types in addition to identifying the building or complex. This option allows the business community to identify certain key tenants (see Attachment 6). There will be no increase in the sign size or the total sign budget for the site.

- Allowing up to 3 freestanding brand identification signs for auto dealerships: Staff, including Economic Development, has reviewed the evolution of the automotive sales business and suggests changing the regulations to allow dealers to have more than one monument sign per street frontage to identify up to three manufacturers contained in their dealership. The revision to the section pertaining to automobile manufacturer signs allows dealerships to have up to three freestanding monument signs (each in a landscaped setting) enabling dealerships to identify the various manufacturers. A separation requirement of 100 feet is required between these signs, the maximum height and area of the signs are unchanged at 7 feet and 24 square feet respectively (see Attachment 7). There is no increase in sign area, as the total sign square footage allowed for the site remains unchanged.
- Reducing the size of temporary signs and considering temporary signs in two categories-temporary and semi-permanent: A variety of concerns and comments from citizens and groups, such as the Friends of the Scenic Corridor, have been received regarding removing signs, such as political signs and off-site development signs, from the rights-of-way to reduce visual clutter along City streets. This proposal categorizes temporary signs into two types: temporary and semi-permanent.

Temporary signs, such as political signs, are :

1. made from materials that deteriorate
2. limited to 120 days in duration
3. allowed in the right-of-way if (subject to site visibility and requiring an encroachment permit)
4. allowed to be up to 16 sq. ft in size if placed in the right-of-way or on private property
5. allowed to be up to 32 sq. ft. in size if placed behind a dedicated scenic corridor.

Semi-permanent signs are:

1. made from more durable materials
2. suitable for 180+ duration (subject to renewal)
3. not allowed in the right-of-way (see attachment 4a-4b).
4. allowed to be up to 16 sq. ft. if placed on private property or up to 32 square feet if placed behind a dedicated scenic corridor.

The Planning Commission recommended the following related to temporary signs: (Stip #2) Sign applicants be required to post a bond at the time of permit issuance to ensure upkeep and prompt removal of temporary signs. (Stip #3) All temporary signs prohibited in scenic corridors and in rights-of-way adjacent to scenic corridors. (Stip #4) Temporary signs supporting the same issue be limited to a minimum separation of 100ft. Staff review and recommendations of their three stipulations are addressed in brief in Table A and in detail in attachments # 9, 10 & 11.

Downtown signage will be reviewed with the downtown overlay

amendment, which is tentatively scheduled to be heard at a City Council hearing the first week of July.

IMPACT ANALYSIS**Policy Implications:**

Approval of the amendment will allow additional flexibility for building sign placement and will result in improved integration between signage and building design. Options for new signs are created, providing the option of a new mid-size monument sign type and allowing some tenant or manufacturer identification on limited sign types without increasing the overall sign area allowance. The amendment also reduces the size of temporary signs and divides them into two categories: temporary and semi-permanent. Temporary signs may be allowed in the right-of-way and semi-permanent signs are prohibited in the right-of-way. Additionally, street banner regulations are clarified.

Community Involvement. Community involvement is detailed in the Citizen Review Report attached. Staff hosted numerous meetings with sign association representatives, Friends of the Scenic Corridor, and concerned citizens who attended open houses. All parties were generally supportive of the direction of this amendment, with most citizen-based groups wanting more restrictions in the right-of-way and smaller signs. Business groups and sign industry representatives wanted additional opportunities for sign visibility, larger signs and fewer restrictions. Most voiced support for this amendment and encouraged further review of the entire ordinance.

**COMMISSION
RECOMMENDATION**

The Planning Commission heard this case on May 14, 2003. Subject to the stipulations listed in table A, the case was approved 7-0.

Commissioners acknowledged that this ordinance amendment was a step in the right direction, but all feel that many areas of the ordinance need to be revised for clarity, enforcement and legal purposes. The Planning Commission supported:

- Making the sign ordinance more user friendly
- Allowing additional Development Review Board flexibility
- Allowing mid-size monument signs (with stipulation #1 as described in Table A)
- Allowing up to 3 tenant names on freestanding signs
- Allowing up to 3 freestanding brand identification signs for auto dealerships
- Reducing the size of temporary signs and categorizing temporary signs into two categories. (Stipulations #2, #3 & #4 relating to temporary signs were added as described in Table A).

Several commissioners feel that a need exists to place additional restrictions on temporary and semi-permanent signage in areas of the city where there are dedicated scenic corridors. Public testimony from citizens and members of the business & sign community brought up similar issues. Most supported the direction of this amendment but felt that further review of the entire ordinance may be warranted, and have requested staff to return in the fall with a study session to discuss such an option for future workload.

Staff is prepared to return to Planning Commission study session in September, 2003 to discuss options for additional review/amendments to this ordinance. Depending on council direction regarding work plan priorities, we anticipate a twelve-month period will be needed to review the ordinance, draft potential revisions and return to public hearing.

Table A

	<i>Planning Commission Approved Stipulation</i>	<i>Staff Review/Comment</i>
#1	Allow substitution of two (2) mid-sized monument signs for one 25 ft tower sign.	Approve. Draft language has been added to the proposed amendment.
#2	Require applicants to post a bond at time of permit issuance for temporary signs.	Based on planning, legal and operational considerations, do not include in this amendment. (Attachment #9)
#3	Prohibit temporary signs in the: (1) right-of-way adjacent to a dedicated scenic corridor (2) any portion of a dedicated scenic corridor	Based on planning, legal and operational considerations, do not include in this amendment. (Attachment #10)
#4	Political signs for a particular candidate/issue be limited to a minimum separation of 100ft so they cannot be grouped together.	Based on planning, legal and operational considerations, do not include in this amendment. (Attachment #11)
#5	Staff to return to Planning Commission for a study session in September, 2003 to receive direction on future amendments to the ordinance.	Although staff is supportive of the concept of further review of the ordinance, it will be necessary to review workload priorities with the City Council.

Staff recommends approval of this text amendment, without the inclusion of

STAFF

Planning Commission stipulations 2, 3 & 4 noted above.

RECOMMENDATION**RESPONSIBLE**

Planning and Development Services Department

DEPT(S)

Plan Review and Permit Services

STAFF CONTACT(S)

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APPROVED BY

Kroy Ekblaw Date
Planning and Development Services General Manager

Ed Gawf Date
Deputy City Manager

ATTACHMENTS

1. Proposed Text Amendment
2. Citizen Involvement
3. DRB Flexibility Example
- 4A. Temporary Sign Example- Existing
- 4B. Temporary Sign Size Comparison
- 5A. Freestanding Signs Existing
- 5B. Proposed Freestanding Mid-Size Monument Sign
6. Proposal for 3 Tenant Names
7. Auto Dealer Signage
8. 5/14/03 Planning Commission Meeting Minutes
9. Planning Commission Amendment Proposal 2
10. Planning Commission Amendment Proposal 3
11. Planning Commission Amendment Proposal 4
12. Ordinance No. 3515
13. Resolution No. 6319